#### PATENT COOPERATION TREATY

REC'D 1 6 JAN 2006

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

PCT

(PCT Article 36 and Rule 70)

Applicant    FOR FURTHER ACTION   See Form PCTIPEA/416		T				
International application No.  PCT/F12004/000583  05-10-2004  06-10-2003  06-10-2003  106-10-2005  106-10-2003  106-10-2003  106-10-2003  106-10-2005  106-10-2005  106-10-2005  106-10-2005  106-10-2005  106-10-2005  106-10-2005  106-10-2005  106-10-2005  106-10-2006  106-10-2003  106-10-2006  106-10-2003  106-10-2006  106-10-2003  106-10-2006  106-10-2003  106-10-2006  106-10-2003  106-10-2006  106-10-2003  106-10-2003  106-10-2006  106-10-2003  106-10-2006  106-10-2003  106-10-2003  106-10-2003  106-10-2003  106-10-2003  106-10-2003  106-10-2003  106-10-2003  106-10-2003  106-10-2003  106-10-200						
International Ppitcant Oxo.    Description		International filing date (day/month/year)		Priority date (day/month/year)		
International Pattent Classification (PC) or national classification and PC		1	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	i i		
Applicant OY Juvantia Pharma Ltd et al  1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.  2. This REPORT consists of a total of sheets, including this cover sheet.  3. This report is also accompanied by ANNEXES, comprising:  a (sent to the applicant and to the International Bureau) a total of sheets, as follows:  sheets of the description, claims and/or drawings which have been amended and are the basis of this report address sheets which supersede earlier sheets, but which this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).  sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.  b (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s))  containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).  4. This report contains indications relating to the following items:  Box No. II	PCT/FI2004/000583		PC			
Applicant OY Juvantia Pharma Ltd et al  1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of 5 sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising:  a. (sent to the applicant and to the International Bureau) a total of sheets, as follows:    sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 716 and Section 607 of the Administrative Instructions).    sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.    (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s))   containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).  4. This report contains indications relating to the following items:    Box No. II   Priority     Box No. II   Priority     Box No. IV   Lack of unity of invention     Box No. V   Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement     Box No. VII   Certain defects in the international application     Box No. VII   Certain defects in the international application     Box No. VII   Certain defects in the international application     Date of submission of the demand   Date of completion of this report     O3 - 01 - 2006   Authorized officer     Solveig Gustavsson/Eö		or national classification and i		ì		
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Box No. VIII Certain observations on the international application  Date of submission of the demand  Date of completion of this report  21-10-2005  Name and mailing address of the IPEA/SE Patent- och registreringsverket  Box 5055 School 2012 42 STOCKHOLM  Solveig Gustavsson/EÖ						
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21-10-2005  Name and mailing address of the IPEA/SE Patent- och registreringsverket Box 5055 Solution 42 STOCKHOLM  Solveig Gustavsson/EÖ			Date of completi	on of this report		
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Form PCT/IPEA/409 (cover sheet) (April 2005)

International application No.

PCT/FI2004/000583

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In case the space in any of the preceding boxes is not sufficient.

Continuation of: Cover sheet

INTERNATIONAL PATENT CLASSIFICATION (IPC):

C07K 5/065 (2006.01) A61K 38/05 (2006.01)

Form PCT/IPEA/409 (Supplemental Box) (April 2005)

International application No.

PCT/FI2004/000583

Box	No. I	Bas	sis of the report
1.	With	regard to	the language, this report is based on:
	$\boxtimes$	the inter	mational application in the language in which it was filed
		a transla which is	ation of the international application into, sthe language of a translation furnished for the purposes of:
			international search (Rules 12.3(a) and 23.1(b))
			publication of the international application (Rule 12.4(a))
			international preliminary examination (Rules 55.2(a) and/or 55.3(a))
2.	furni	shed to th tre not an	to the elements of the international application, this report is based on (replacement sheets which have been the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" unexed to this report):
	$\boxtimes$	the int	ernational application as originally filed/furnished
		the de	scription: as originally filed/furnished
		pages	and by this Authority on
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		the cla	as originally filed/furnished
		pages pages	as amended (together with any statement) under Article 19
		pages	* received by this Authority on
		pages	
		the di	rawings: as originally filed/furnished
ļ		pages	and by this Authority on
		pages pages	and the ship Anthonity on
			nuence listing and/or any related table(s) see Supplemental Box Relating to Sequence Listing.
3.		The a	amendments have resulted in the cancellation of:
l	_		the description, pages
		<u> </u>	the claims, Nos.
1		F	the drawings, sheets/figs
		F	the sequence listing (specify):
			any table(s) related to the sequence listing (specify):
4	. [	mad	report has been established as if (some of) the amendments annexed to this report and listed below had not be le, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Re(c)).
			the description, pages
			the claims, Nos.
			the drawings, sheets/figs
			the sequence listing (specify):
		Ē	any table(s) related to the sequence listing (specify):
	* If	item 4 ap	plies, some or all of those sheets may be marked "superseded."

International application No.

PCT/FI2004/000583

В	ox No. V	Reasoned statement un citations and explanation	der Article 35 ons supportin	5(2) with regard to novelty, inventive step or industrial applicability; g such statement	
1		ity (N)	Claims Claims	1_11	YES NO
	Inven	tive step (IS)	Claims Claims	1-11	YES NO
	Indus	strial applicability (IA)	Claims Claims	1-11	YES NO

2. Citations and explanations (Rule 70.7)

Cited documents:

- D1) WO 03026575 A2
- D2) EP 1388537 A1
- D3) Science, Vol.282 (1998), pages 737-740

D1 and D2 show closely related compounds. However, these known compounds, which are excluded from the general formula of claim 1 by a disclaimer, have another use than the claimed compounds.

Thus, the invention defined in claims 1-11 has novelty and inventive step.

shows compounds with amide or peptide bonds, compounds interact with the different subtypes of somatostatin receptors. However these compounds have a different structure than the compounds of the present application.

The invention defined in claims 1- 11 is not disclosed by any of these documents.

The cited prior art does not give any indication that would lead a person skilled in the art to the claimed compounds and their use. Therefore, the claimed invention is not obvious to a person skilled in the art.

International application No.

PCT/FI2004/000583

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The term "a disease or condition where interaction with the somatostatin receptor subtype 4 optionally together with subtype 1 is indicated" in claim 11, although indisputably having a pharmacological effect, cannot in itself be regarded as a therapeutic application.

There are an undefined number of diseases which might be related to these pharmacological effects. A practical application needs to be found in the form of a defined treatment of a specified pathological condition, this being an essential technical feature, in order to render claim 11 clear according to Article 6 PCT.

Form PCT/IPEA/409 (Box No. VIII) (April 2005)